

**UNITED STATES GOVERNMENT
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

Abilene, Texas

BIMBO BAKERIES, USA, INC.

Employer

and

Case No. 16-RC-10643

**GENERAL DRIVERS, WAREHOUSEMEN,
AND HELPERS, LOCAL UNION 745**

Petitioner

SUPPLEMENTAL DECISION AND DIRECTION OF ELECTION

Procedural History

On March 10, 2005, I issued the Decision and Direction of Election in this matter finding that the petitioned-for unit is appropriate and directing an election. The Employer timely sought the Board's review of my decision, and on April 6, 2005, the Board remanded the matter to me to determine the status of the existing unit certification and the bargaining history of the unit. Pursuant to that Order, a hearing was held on May 12, 2005.

Bargaining History and Status of the Existing Unit Certification

Pursuant to a Stipulated Election Agreement, the election in Case No. 16-RC-7525 was held on August 19, 1977. The majority of employees voted in favor of the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, Local 111, AFL-CIO-CLC, herein Local 111. On August 29, 1977, Local 111 was certified as the bargaining representative of the following unit of employees:

INCLUDED: Production and maintenance employees, shipping and receiving employees, garage employees, sanitation employees and transport drivers at 2701 Palm and all thrift-store employees in Abilene.

EXCLUDED: Office clerical employees, route salesmen, guards, supervisors as defined in the Act.

Sometime after the certification, negotiations for a collective bargaining agreement began. Until about February 1978, the Employer and Local 111 held 9 bargaining sessions; however, they failed to reach an agreement. The evidence reflects that the parties never resumed negotiations thereafter and that Local 111 told the Employer at their last meeting that it was no longer interested in representing the employees.

It was not until early April 2005, after being notified of the pending petition in the instant case, that Local 111 again contacted the Employer with a request to resume negotiations. (Bd. Exh. 2 & 4) However, on April 20, 2005, before returning to the table, Local 111 informed the Region in writing that it disclaimed all interest in representing the unit of the employees for which it was certified as the bargaining representative on August 29, 1977. (Bd. Exh. 2) It also announced its decision to withdraw its recent request to the Employer to resume negotiations. (Bd. Exh. 2) As a result, on April 26, 2005, I issued and served on Local 111 an Order Revoking Certification of Representative. (Bd. Exh. 3)

On April 29, 2005, I issued and served on Local 111 an Order Remanding Proceeding for Further Hearing and Notice of Representation Hearing. (Bd. Exh. 1(k)) Local 111 never responded to this Order. On May 3, 2005, I issued and served on Local 111 an Order Correcting Hearing Date of Order Remanding Proceeding for Further Hearing and Notice of Representation Hearing. (Bd. Exh. 1(m)) Again, Local 111 never responded. Further, Local 111 did not attend the hearing on May 12, 2005.

The Regional Director's Decision

In light of the absence of an extant collective bargaining agreement and Local 111's disclaimer of interest, the Decision and Direction of Election that was issued on March 10, 2005, remains unchanged in that the unit as petitioned for by the Petitioner is appropriate. Accordingly, I again will direct an election in a unit consisting of approximately 45 employees.

Right to Request Review

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.S., Washington, DC 20570-0001. This request must be received by the Board in Washington by 5:00 p.m. EST, on June 6, 2005. The request may not be filed by facsimile.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relation Board has expanded the list of permissible documents that may be electronically filed with the Board in Washington, DC. If a party wishes to file one of these documents electronically, please refer to the attachment supplied with the Regional Office's initial correspondence for guidance in doing so. The guidance may also be found under "E-Gov" on the National Labor Relations Board web site: www.nlrb.gov.

DATED in Fort Worth, Texas, this 23rd day of May 2005.

/s/ Curtis A. Wells

Curtis A. Wells, Regional Director
National Labor Relations Board, Region 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102